

This is just a brief thumbnail description as to some of the questions that we have and that are pending yet. My sense is that it is indispensable that the Judiciary Committee move ahead with the inquiry that was conducted back in 1995 to find out specifically why it took the Department of Justice approximately 2 years to come to this stage of their inquiry and take a look at the findings that led to a declination of prosecution as to some individuals in the face of what appears to be significant evidence on a falsification of the rules of engagement.

We do know that at the hearings conducted in 1995, there was another set of rules of engagement which discussed a permissive use of force, specifically noting where deadly force may be used. During the course of our subcommittee hearings, we could never determine precisely who issued the rules of engagement because no one would take responsibility for them. But the way this investigation has been conducted by the Department of Justice, certainly in my judgment, urgently requires congressional oversight. We know that the prosecuting attorney of Boundary County has now issued an indictment against a special agent sharpshooter, whose firing resulted in the death of Mrs. Vicki Weaver, on charges of involuntary manslaughter.

Had I been the prosecuting attorney there, I would not have brought that prosecution, under all the facts of the case. I have been a district attorney and have made judgments that involve when a prosecution ought to be brought. But I can understand why the district attorney of Boundary County brought the charges in light of the bad bungling that the Department of Justice has made of this case. And there are many, many collateral matters that have not yet been answered satisfactorily. The Attorney General approved the promotion of Mr. Potts to be Deputy Director of the FBI, in a context where red flags were present about Mr. Potts' qualifications for that job, being a very close personal friend of FBI Director Freeh. That was inquired into at some length during the Judiciary subcommittee hearings, but we did not have the benefit of the Attorney General's testimony in that matter. She took the position that she does not testify before subcommittees because there are so many subcommittees. The point the subcommittee raised at that time was that we were not asking her opinion on a variety of legislative issues where there are so many issues and subcommittees, but we asked for her testimony as a fact witness as to why she personally approved the promotion of Mr. Potts. But she declined to appear. We declined to issue a subpoena or have a confrontation on the issue.

When I discussed this personally with the Attorney General, she restated her position and said maybe she should have appeared. I told her at that time, months ago, she might have occasion

to appear yet. I hope that she does have occasion to appear on the questions relating to many issues in this very complex matter, because as stated in the statement issued by U.S. Attorney Stiles, this was approved by the Department of Justice and, inferentially, by the Attorney General herself. These are matters that have to be inquired into.

On the subject of having this matter now taken to the Office of Professional Responsibility, I have grave questions about what will happen there and what the time sequence will be, and their explanation as to why they took so long is there are many statutory requirements that may be reviewed by the Congress. The incident involving William Jewel in Atlanta occurred back in July 1996, and it took a full year to get oversight hearings before the subcommittee on that matter. Those hearings did not do any credit to the Office of Professional Responsibility, where Mr. Shaheen, the director of that unit, testified. Mr. Shaheen testified that Mr. Jewel's constitutional rights were violated, but it was nowhere in the report. I asked the very fundamental question, "Why doesn't the report say so?" It is one thing to testify before a subcommittee that the constitutional rights of a suspect were violated. But to fail to do so in the report does not give guidance to other agents in the field. It was in the context that Mr. Jewel was told he was being questioned for a training film purpose, and he was misled by the FBI agents under those circumstances. It was later concluded that his Miranda rights had been violated. In a repeated line of questioning, Mr. Shaheen could not cite any part of the report that said that. He cited sections of the report that did not say what he said he said, and he admitted that. Then, after the hearing was over, on the same day, Mr. Shaheen sent me a two-page letter saying that he had misspoken, that the Office of Professional Responsibility had not in fact found that Mr. Jewel's constitutional rights had been violated—a conclusion which is a little hard to understand in light of his extensive testimony on this subject.

Madam President, this is a very important matter. As I have said earlier, it is a matter which is still resonating in America. I was in Pennsylvania, at my open house town meetings on the 13th, 14th and 15th, when the report came out that the Department of Justice would not bring any prosecutions and a week later when the prosecuting attorney of Boundary County, ID, brought the indictments against Kevin Harris for murder in the first degree against Deputy Marshal William Degan and involuntary manslaughter against Special Agent Horiuchi. It is my hope that we will continue this inquiry with congressional oversight, because only the Congress can really undertake the kind of questioning of department heads, the Attorney General, the Director of the FBI, or the Director of Alco-

hol, Tobacco and Firearms, or the Secretary of Treasury, of that rank, to find out what has happened, so that we can tell the American people what the facts are. There is tremendous unrest on this subject, which is part of the unrest and distrust of Government that I have referred to earlier, confirmed by the earlier public opinion poll.

Madam President, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. SPECTER. Madam President, we are currently on the legislation of the appropriation bill for the Department of Labor, Health, Human Services, and Education. I, again, repeat the earlier request that anyone who has an amendment to offer, come and do so at this time. There is plenty of time available right now. Earlier the majority leader had been on the floor, and Senator HARKIN and I and Senator LOTT, our majority leader, had discussed the timing. It was our hope that we might complete action on this bill by tomorrow evening. We request that anybody who has amendments to file do so by the close of business today or, in any event, not later than noon tomorrow. We have a vote scheduled for 9:30 tomorrow morning. It is the practice that Senators will be present at that time to vote, so we can move ahead if there are amendments to be considered on this bill.

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#### CAMPAIGN FINANCE REFORM

Mr. SPECTER. Madam President, in the absence of any other Senator on the floor, I will utilize this time to comment on the subject of campaign finance reform. I stated earlier that in my travels through Pennsylvania during part of the month of August, I heard considerable concern about the necessity for campaign finance reform, and I had commented about the over-tone throughout my open house town meetings about people of my State being very suspicious of Government, very distrustful of Government. One of those items was Ruby Ridge, and I spoke at some length about that. Another item was the subject of campaign finance reform, where I have found very considerable interest, disagreeing with some of the pundits and some of the public comments.